Jurisdictional Statement

81-5422

APPEAL NO.

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IN THE
UNITED STATES SUPREME COURT
WASHINGTON D.C.

WILLIAM J. CRANE Plaintiff-Appellant vs. B. ROSS (A Cook County Sheriff's Deputy, Badge #2713) et. al. Defendants-Appellees	APPEAL FROM THE UNITED STATES COURT OF APPEALS, 7TH CIRCUIT NUMBER 80-1981 HONORABLE JUSTICES: FAIRCHILD SPRECHER CUDAHY

JURISDICTIONAL STATEMENT OF APPELLANT

William J. Crane
Pro-Se
15426 South Park Avenue
South Holland, Illinois
60473 (312)333-3700

QUESTIONS PRESENTED FOR REVIEW

(1) Was the Plaintiff-Appellant denied due process of law?

(2) Was the Plaintiff-Appellant discriminated against?

(3) Was the arrest of the Plaintiff lawful?

(4) Did the court err in dismissing the case when all Defendants were in default?

(5) Did the court properly deny consolidation of actions?

(6) Did the trial court err in refusing to hear the Plaintiff's motions on June 30, 1980?

(7) Was the Plaintiff entitled to discovery?

(8) Did the 7th Circuit err in its judgement of affirmance?

PARTIES TO THIS PROCEEDING

Plaintiff-Appellant

WILLIAM J. CRANE

Defendant-Appellees

B. ROSS, Cook County Deputy #2713
Francis P. BUTLER
Mrs. Francis P. BUTLER
Ronald J. CRANE
Mrs. Ronald J. CRANE
Richard S. JEMILO
Mrs. Richard S. JEMILO
William J. O'CONNEL
Mrs. William J. O'CONNEL
Frank W. MEEKINS
Mrs. Frank W. MEEKINS
Will E. GIERACH
Mrs. Will E. GIERACH
Richard L. SAMUELS
Mrs. Richard L. SAMUELS
Dwight MCKAY
Mrs. Dwight MCKAY
Cornelious J. HOUTSMA JR.
Mrs. Cornelious J. HOUTSMA JR.
Sgt. Ted CLAYTON

Donald ISOM, Cook County Deputy #1753
Thomas P. DURKIN
Mrs. Thomas P. DURKIN
E. C. JOHNSON
Mrs. E. C. JOHNSON
John W. ROGERS
Mrs, John W. ROGERS
Laurence I. GENESEN
Mrs. Laurence I. GENESEN
George M. MAROVICH
Mrs. George M. MAROVICH
Richard J. PETRARCA
Mrs. Richard J. PETRARCA
Howard M. MILLER
Mrs. Howard M. MILLER
Romie J. PALMER
Philip J. CAREY
Mrs. Philip J. CAREY
Paul F. GERRITY
Mrs. Paul F. GERRITY

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STATEMENT OF JURISDICTION

This proceeding is a suit at common law, bearing the form of a Federal Civil Rights Proceeding and has claimed federal jurisdiction under the Federal Common Law, under the Magna Carta, the Judiciary Act of 1789, The Northwest Ordinance of 1787, The U.S. Constitution, 28 USC 1331, and 1343; 42 USC 1983, 1985 and 1986. All parties to this action are citizens of the United States, and residents of Illinois.

The jurisdiction on appeal for the 7th Circuit claimed also 28 USC 1291, 1294, 1653, 453 and 2072; 42 USC 1988, and specifically U.S. Constitutional Amendments 1 through 10, 13 and 14.

This suit at law properly invokes the jurisdiction of:

The Magna Carta, by alleging the denial of basic God-given rights, by governmental authorities, without duly legislated process, or representation of the people in setting forth policies, by alleging the denial of a republican, or parliamentary form of government by actions taken by individuals claiming to have governmental authority and wearing the cloak of authority.

The Federal Common Law, by alleging deprivation of common-law rights, alleging the breaking of the common-law by malfeasance of those bearing the color of authority, and alleging the denial and violation of the immutable law that made the truths of the Declaration of Independence self-evident.

The Northwest Ordinance of 1787, by being instituted in a court of law in the territory Northwest of the Ohio River, and by an inhabitant of such a district, and alleging deprivation of guarenteed rights.

The Judiciary Act of 1789, by:

- being initiated in a district court of the U.S. (sec. 2)
- alleging offenses cognizable under the authority of the U.S., committed in the same district, claiming remedy of common law, and demanding a trial by jury. (sec 9)
- taking the form of and insisting on the procedure of an action at law, and not equity. (sec. 16)
- being filed, pled and managed by the plaintiff himself.(sec. 35)

The U.S. Constitution by:

- being a case under law, the laws of the U.S. and the Constitution. (Art. 3 sec. 2)
- appealing the U.S. Supreme Court, both as to Law and Fact.(Art 3 sec 2
- demanding a jury trial of alleged crimes.
- alleging denial of 1st through 10th, 13th and 14th amendment rights especially his 4th, 5th, 8th, 9th, 10th and 14th amendment rights.
- alleging the denial of a republican form of government and separation of powers. (Art 4, sec 4)

28 USC 453: by alleging or infering that a judge has failed to take, or abide by this oath.

28 USC 1291: by properly appealing to a court of appeals from a final decision by a district court of the U.S..

28 USC 1294: by appealing from a District Court in the 7th Circuit to the 7th Circuit of Appeals.

28 USC 1331 by: (a) claiming in excess of $10,000.00, ($10,000.00 x forty two (42) Defendants).

(b) arising under the Constitution and laws of the United States.

28 USC 1343 by: (a) being a civil action, commenced by a person;

(a.1) to recover damages because of deprivation of a right or privilege of a United States citizen, and acts done in furtherance of conspiracy mentioned in 42 USC 1985.

(a.2) to recover damages from persons failing to prevent or aid in preventing wrongs mentioned in 42 USC 1985, having knowledge such wrongs were about to occur and having power to prevent.

(a.3) to redress deprivation under color of State regulation, custom or usage of a right, privilege and/or immunity secured by the U.S. Constitution, and by Act of Congress providing equal rights for citizens.

(a.4) to recover damages and secure lawful and equitable relief under Act of Congress providing for the protection of Civil Rights.

28 USC 1653: by amending the original jurisdiction by additions at the appellate level.

28 USC 2072: by following the forms and procedures outlined in the rules of the Supreme and inferior courts, and the federal rules of civil procedure.

42 USC 1983 by: (a) joining persons as Defendants.

(b) alleging color of statute, ordinance, regulation, custom or usage, of a State Office.

(c) alleging deprivation of the 4th Amendment rights, privileges, and/or immunities:

(c.1) secured by the U.S. Constitution.

(c.2) secured by laws.

(d) taking the form of an action at law. (The only proceeding for redress the Plaintiff-Appellant knows of.)

42 USC 1985 by: (a) joining two (2) or more persons as Defendants.

(b) alleging conspiracy.

(c) alleging deprivation of equal protection of law, statute, ordinance, regulation, custom or usage.

(d) alleging such deprivation to his person.

(e) by taking the form of an action for the recovery of damages.

42 USC 1986 by: (a) joining persons as Defendants.

(b) alleging knowledge of wrong actions.

(c) alleging power to:

(c.1) prevent commission of the same.

(c.2) aid in preventing commission of the same.

(d) alleging neglect or refusal to:

(d.1) prevent the same.

(d.2) aid in preventing the same.

(e) claiming liability.

42 USC 1988 by: (a) being a civil matter.

(b) arising under inter alia sections of 42 USC.

(c) claiming federal jurisdiction.

(d) seeking to exercise civil rights in conformity with the laws of the U.S.

(e) seeking to enforce such civil rights in conformity with the laws of the U.S.

The 7th Circuit Court of Appeals entered its order on February 25, 1981, affirming the judgement of the District Court. The Circuit Court denied the appellant's petition for rehearing on April 1, 1981. (See Appendix)

The appellant's Notice of Appeal was filed with the 7th Circuit on June 30, 1981.

The basis for this appeal is contained in the U. S. Constitution, Article 3, Section 2, where it is stated that this court shall have appellate jurisdiction of all federal cases as well as 28 USC 1254 although the wording of the latter may indicate that this document should be called a "Petition for Writ of Certorari." (Please see accompanying motion to file instanter.)

CONSTITUTIONAL PROVISIONS, STATUTES, ORDINANCES INVOLVED

UNITED STATES CONSTITUTION

ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts shall hold their Offices furing good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trail shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

ARTICLE IV.

Section 4. The United States shall guarentee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

AMENDMENT I

Congres shall make no law respecting an establishment of religion, or prohibiting the free excercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peacebly to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

28 USC 453

Oaths of justices and judges:

Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I,_____ ____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____according to the best of my abilities

and understanding, agreeably to the Constitution and laws of the United States. So. help me God."

28 USC 1291

Final decisions of district courts:

The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. As amended Oci. 31, 1951, etc.

28 USC 1294

Circuits in which decisions reviewable:

Appeals from reviewable decisions of the district and territorial courts shall be taken to the courts of appeals as follows:

(1) From a district court of the United States to the court of appeals for the circuit embracing the district;

(2) From the United States District Court for the District of the Canal Zone, to the Court of Appeals for the Fifth Circuit;

(3) From the District Court of the Virgin Islands, to the Court of Appeals for the Third Circuit;

(4) From the District Court of Guam, to the Court of Appeals for the Ninth Circuit.

28 USC 1331

Federal question; amount in controversy; costs:

(a) The district courts shall have original jurisdiction of

all civil actions wherein the matter in controversy exceeds the sum or value of $10,000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States, except that no such sum or value shall be required in any such action brought against the United States, any agency thereof, or any officer or employee thereof in his official capacity.

(b) Except when express provision therefor is otherwise made in a statute of the United States, where the plaintiff is finally adjudged to be entitled to recover less than the sum or value of $10,000, computed without regard to any setoff or counterclaim to which the defendant may be adjudged to be entitled, and exclusive of interests and costs, the district court may deny costs to the plaintiff and, in addition, may impose costs on the plaintiff.

28 USC 1343

Civil rights and elective franchise:

The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowlwedge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right,

privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

28 USC 1653

Amendment of pleadings to show jurisdiction:

Defective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts.

28 USC 2072

Rules of civil procedure:

The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the district courts and courts of appeals of the United States in civil actions, including admiralty and maritime cases, and appeals therein, and the practice and procedure in proceedings for the review by the courts of appeals of decisions of the Tax Court of the United States and for the judicial review or enforcement of orders of administrative agencies, boards, commissions, and officers.

Such rules shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as at common law and as declared by the Seventh Amendment to the Constitution.

Such rules will not take effect until they have been reported

to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported.

All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect. Nothing in this title, anything therein to the contrary notwithstanding, shall in any way limit, or repeal any such rules heretofore prescribed by the Supreme Court.

42 USC 1983

Civil action for deprivation of rights:

Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

42 USC 1985

Conspiracy to interfere with civil rights; Preventing officer from performing duties:

(1) If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer

are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

Obstructing justice; intimidating party, witness, or juror:

(2) If two or more persons in any State or Territory conspire todeter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifyinf to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State of Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

Depriving persons of rights or privileges:

(3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any

person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and excercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

42 USC 1986

Same; action for neglect to prevent:

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be commited, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages

caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

42 USC 1988

Proceedings in vindication of civil rights:

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and Title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be excercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if

it is of a criminal nature, in the infliction of punishment on theparty found guilty.

STATEMENT OF THE CASE

The Res Integra lawsuit 80C-1892 was duly filed on April 17th, 1980 and applicable fees were paid. It was assigned by the Clerk to District Judge Perry. The lawsuit invoked jurisdiction under inter alia, the U. S. Constitution, Article 3, Section 2, 28 USC 1331, 1343, 42 USC 1983, 1985 and 1986.

The complaint alleges, in the first of two separate causes of action, the Defendants and each of them denied the Plaintiff his right of free access to the courts, his right and privileges of ingress and egress to public places paid for with federal funds and of doing such in a discriminatory fashion and under color of law.

The complainant truthfully alleges, in the second cause of action that such actions and the ensueing "booking" procedures were done in concert and by well defined and agreed upon procedure thereby incurring liability to the Plaintiff by damaging his reputation and standing with his family, friends and community by subjecting him to public ridicule, false imprisonment, and deprivation of his consitutional rights.

On the morning of January 30th, 1980 the Plaintiff, Mr. Crane, was accompanying a Mr. Gary Dering to the Markham Courthouse in the 6th Municipal District and was to appear as a witness for Mr. Dering's case that was scheduled for trial at 9:30 A.M. that morning before Judge Jemilo.

Upon entering the courthouse the Plaintiff and Mr. Dering noticed a random and discriminatory search being conducted both electronically and physically by two (2) Cook County Sheriff's Deputys, their names being B. Ross, Badge #2713 and Donald Isom, Badge #1753. The searches were discriminatory in that all police officers, attorneys, Judges, Sheriff's Deputys and all other courthouse personnel were not being searched.....but all non-Judges, non-Sheriff's Deputys, etc., must submit to the search or be denied entrance to the courthouse.

Knowing that on the morning of January 30th, 1980 no Order was in existance authorizing the foregoing searching procedure, nor were search warrants being issued to those who demanded them, Mr. Dering and I decided to ignore and bypass said searching procedure and proceeded on our way to courtroom 201. As Mr. Dering and I walked by all the people lined up waiting to be searched and as we approached the lobby escalator we heard voices shouting phrases such as "whoa....wait a minute", "come back my man", however we continued on our way. As I reached the top of the escalator I was violently seized on my left shoulder by Sheriff's Deputy Donald Isom, Badge #1753. I asked him politely to remove his hand and release me but he maintained his hold and ordered me to ...."get down those stairs and go through the search machine." I replied to him that on January 29th 1980 we met with presiding Judge Paul F. Gerrity and learned from him that there was no Order in existance at that time authorizing the discriminatory and random searches being conducted at the courthouse entrance. Mr. Isom became increasingly hostile whereupon I informed him at this time

that if he continued his present course of action he would be fully liable to me. We were now joined by a City of Markham detective, William Gaffney along with two (2) other individuals unknown to me. Mr. Gaffney proceeded to exert physical force in an attempt to maneuver me towards the stairway whereupon I informed him as well of the non-existance of any Order authorizing the search in question. At this time al four (4) of the accosting individuals became extremely hostile towards me and violently knocked my brief-case and all my books out of my hands; then pushed me into a collision with a nearby building column and pulled my hands behind my back causing extreme pain and physical damage to my right arm.

I was then taken downstairs to a detention center where Mr. Isom demonstrated his civilized manner of opening a door by shoving me from behind, while still handcuffed, and causing me to collide with said door. Moments later I was confronted by a Mr. Richard Wasson who ordered that I be locked up and who ignored my repeated demands to be informed of the charges against me.

Mr. Isom then took me to another room where I was ordered to empty my pockets and take off my shoes and belt. In the process of com-plying with their orders I was spoken to and referred to by such abusive terms as "....a dumb mother fucker". After they confiscated my money, books, belt and briefcase I was taken to a cell and locked up. My rights were clearly posted on the unbreakable glass on the cell window and I made a request to a Sheriff's Deputy, who is unkown to me, asking that I be allowed to make my reasonable am-ount of phone calls and that I be brought before a Judge immediately whereupon he replied the phones weren't working.

When I asked that I be taken to a working phone he ignored my request. My request to be brought before a Judge was also ignored. This is clearly a violation of Illinois Criminal Law and Procedure, 1979, Chapter 38§ 109-1, "Persons Arrested: (a) A person arrested without a warrant shall be taken without unnecessary delay before the nearest and most accessible Judge in that County and a charge shall be filed." I was never given this right in spite of repeated and persistant demands, and in spite of the fact that there were nineteen (19) Judges present in the building. Finally, at 12:30 P.M. on January 30th, 1980, after being incarcerated for a period of approximately 3 1/4 hours I was placed in the custody of a Mr. Ted Clayton, a police officer of the City of Markham, Illinois who transported me to the Markham Police Station where I was fingerprinted, photographed and given my belongings. After posting $100.00 bail I was finally allowed to make a phone call after which I was released.

On February 11th, 1980, an Order authorizing the aforementioned searching procedures was issued by presiding Judge Paul F. Gerrity of the Sixth Municipal District.....eleven (11) days after arrest for not submitting to said searching procedure. The Order was entered "Nunc pro tunc" back to June 15th, 1979, apparantly to make it retroactive.

On April 18th, 1980, Special Process Servers served twenty five (25) of the Defendants, another twelve (12) were served in the next three (3) days time, and four (4) remaining Defendants have been served by the U.S. Marshal as late as June 16th, 1980.

One (1) Defendant has been dropped as she is deceased.

On the 9th of May, 1980, a Mr. Scott A. Mayer mailed a Notice of Motion to the Plaintiff stating he would present a "Motion for Enlargement of Time" for hearing on May 12th, 1980. The Plaintiff miraculously received the Notice and Motion on May 10th, 1980, as it had been incorrectly addressed. Furthermore, Mr. Mayer erred in failing to give the Plaintiff proper time to respond to the aforementioned Motion.....two (2) days were given instead of the required eight (8) days as provided in F.R.C.P. Rule 6. The foregoing errors were brought to the attention of Judge Perry however he proceeded to grant the "Motion for Enlargement of Time" over the Plaintiff's objections.

On May 16th, 1980, the Plaintiff-Appellant appeared before Judge Perry with a "Motion to Drop Defendant," Jane Doe Palmer. Said Motion was granted as well as another motion entitled "Motion to Correct Misunderstanding of Dropping Charges Against Defendants." The Plaintiff-Appellant also presented his "Motion for Consolidation" which was taken under advisement. Mr. Mayer, alleged attorney for the Defendants presented a "Motion for Remand."

There were in fact two actions dealt with at that time; one was this action, 80C-1892 and the other was 80C-2018 which was a removal of the State charge against Mr. Crane to the Federal Court. The two actions dealt with the occurance that took place at the Markham Courthouse on the morning of January 30th, 1980.

The Plaintiff-Appellant also filed a "Request for Production of Documents," pursuant to F.R.C.P. Rule 34 which requested documents vital to his case. None of the requested documents were ever produced and in fact Judge Perry dismissed the lawsuit a few days before the requested documents became due.

Also filed on May 16th, 1980, was a "Claim of Common Law Writ of Attachment," a measure taken by the Plaintiff to secure the assets of the Defendants against a judgement of the Circuit Court.

On June 11th, 1980, Mr. Ralph Miller appeared before Judge Perry with his "Motion for Leave to File Instanter" his appearance for Defendant Clayton, and to file his answer to the complaint. Both motions were granted in spite of the fact that Mr. Miller gave improper notice and service by allowing only one (1) day for the Plaintiff to prepare a response to his motion which was mailed out on June 9th, 1980.

Mr. Mayer also appeared that day without notice and used the element of surprise by handing the Plaintiff his (Mayer's) "Motion to Quash Common Law Writ of Attachment" in open court and then expected the Plaintiff to prepare a proper response to it. Upon hearing Mr. Mayer's motion, Judge Perry granted it without allowing the Plaintiff to present an opposing argument and further proceeded to ridicule the Plaintiff in open court and then instructed Mr. Mayer and Mr. Miller that if they would make an oral motion to dismiss the Plaintiff's lawsuit, he would grant it. Naturally Messrs. Mayer and Miller eagerly made the suggested oral motion whereupon Judge Perry granted it. The Plaintiff objected and believes

he was prejudiced and denied due process by Judge Perry.

One June 19th, 1980, Mr. Mayer filed his "Petition for Award of Attorney's Fees," and bill of costs. An Order was entered on June 24th, 1980, allowing the Plaintiff-Appellant until July 7th, 1980 to file an answering memorandum of law.

Having duly notified Messrs. Mayer and Miller, the Plaintiff-Appellant appeared on June 30th, 1980 with five (5) Motions:

1. "Motion for Change of Venue"
2. "Motion to Vacate, Expunge and Set Aside....."
3. "Motion for Leave to Amend....."
4. "Motion for Hearing"
5. "Motion to Correct Errors"

Judge Perry did not allow the Plaintiff to argue any of the above mentioned motions but instead sought to have Mr. Crane either take the 5th Amendment or plead to forging his (Judge Perry's) signature on the lower portion of the "Motion for Hearing" in the portion entitled "Order". It was obvious there was no attempt to forge Judge Perry's signature inasmuch as the signature appearing on the motion in no way even slightly resembled Judge Perry's true signature. Furthermore, there was in existance a motion to correct this simple clerical error and it was filed timely five (5) days prior to the hearing on June 30th, 1980.....so there was no reason for Judge Perry to realisticaly suspect forgery. (See attached copy of "Motion to Correct Error.")

On July 7th, 1980, the Plaintiff-Appellant filed his "Notice of Appeal" and "Notice of Filing" with the trial court.

On July 8th, 1980, Mr. Mayer presented his "Petition for Rule to Show Cause". The court upon hearing the motion agreed to enjoin the Plaintiff-Appellant from any further action and recessed the case until 2:00 P.M. that afternoon where the injunction was perfected. The Plaintiff-Appellant was served with a certified copy by a U.S. Marshal.

On July 21st, 1980 the Clerk of the District Court forwarded a portion of the original papers as the record on appeal. On July 29th, Mr. Crane paid the fees due for preparation of the record on appeal, and Mr. Miller filed his appearance and certificate of interest in the 7th Circuit. Mr. Crane's certificate of interest was filed on July 31st, 1980.

On August 26th, 1980, Mr. Crane filed a motion for extension of time and was granted leave to file his brief as late as October 2, 1980 by an order dated August 28th, 1980.

On October 2, 1980 the Appellant's brief was filed with the 7th Circuit and copies were served on Messrs. Scot Mayer and Ralph Miller. On October 23, 1980, the Appellant filed a motion to incorporate certain documents into the record on appeal and the motion was granted on November 13, 1980.

The Appellee's brief was filed on November 6, 1980 along with a motion to file instanter, a motion to affirm without oral argument, a proposed order, and a notice of filing. The Appellee's brief had been due on November 2, 1980. A reply brief of the Appellant was filed on November 24, 1980.

On November 26, 1980, the Apellant requested in his written "Motion to Assemble, Certify and Docket the Several Papers Filed in this Cause on Appeal", that the Court Clerk correct a situation that developed and has not really been remedied yet, and on December 5, 1980, the court denied Mr. Crane's request and excused Mr. Mayer's late filing of the Appellee's brief.

On December 19, 1980, the court set the case down for oral argument on January 22, 1981, and sent notice to the only parties who had filed an appearance in the court, Mr. Ralph Miller and Mr. William J. Crane.

It was therefore to Mr. Crane's surprise when on January 22, 1981, Mr. Mayer was present to argue for the Appellees having never filed any appearance, certificate of interest, or any paper indicating his intention to argue. He was allowed to argue the case over Mr. Crane's objection.

On February 25, 1981, the 7th Circuit Court delivered its unpublished order affirming the lower court's judgement but for apparently different reasons.

The Appellant's petition for rehearing was filed and on April 1, 1981, it was denied by written order. Other papers filed in this cause were a motion for transcript of proceedings, granted the Appellant, and the Defendant's Renewed Motion for Bill of Costs and Award of Attorney's Fees; granted by District Judge Perry.

On June 30, 1981, the Plaintiff-Appellant filed his Notice of Appeal in the 7th Circuit Court of Appeals, having computed 90 days from April 1, 1981 date of denial of rehearing and subsequently docketed the case and filed this jurisdictional statement within 60 days of his Notice of Appeal.

REASONS TO MERIT PLENARY CONSIDERATION

1. The Plaintiff and Defendants in this case have been deprived a jury trial.

2. There is no law specifically regulating procedures used for securing a building designed and built for public use.

3. The 4th Amendment rights of thousands of U.S. citizens have been and are now being infringed by procedures initiated without due process of law.

4. The Circuit Court has differed with the District Court in its opinion of this case, and has formulated an opinion regarding the intentions and motivations of people who have not been able to testify in this case.

5. It is in the public interest that the circumstances surrounding this case be discovered, plead, tried and judged by a jury of those that are supposedly protected, or injured by the disputed actions and questioned search.

A P P E N D I X

- Copy of Minute Order of the District Court, Dismissing Case #80C1892.

- Copy of Order of 7th Circuit Court Affirming the District Court's Order.

- Copy of the Unpublished Opinion of the 7th Circuit Court.

- Copy of the 7th Circuit Court Order Denying Rehearing.

- Copy of Notice of Appeal to the United States Supreme Court.

OPINIONS DELIVERED IN THE LOWER COURTS

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

UNPUBLISHED ORDER
NOT TO BE CITED
PER CIRCUIT RULE 85

ARGUED: JANUARY 22, 1981

February 25, 1981

Before

Hon. THOMAS E. FAIRCHILD, Chief Judge

Hon. ROBERT A. SPRECHER, Circuit Judge

Hon. RICHARD D. CUDAHY, Circuit Judge

WILLIAM J. CRANE,
Plaintiff-Appellant,

No. 80-1981 vs.

B. ROSS, et al.,
Defendants-Appellees,

Appeal from the United States District Court for the Northern District of Illinois Eastern Division.

No. 80 C 1892
J. Sam Perry, Judge.

ORDER

The plaintiff has appealed the dismissal of his civil rights action based upon his arrest following his attempt to physically evade a generally-applied courthouse search.

I

On January 30, 1980, the plaintiff was accompanying a Mr. Gary Dering to the Circuit Court of Cook County Courthouse for the Sixth Municipal District, located at 16501 South Kedzie Parkway, Markham, Illinois. Plaintiff was to appear as a witness in a case involving Mr. Dering which was scheduled for trial at 9:30 A.M. before Judge Richard S. Jemilo. As he entered the Courthouse, the plaintiff read a sign attached to a walk-through metal-detection device which stated:

NOTICE

YOU MUST SUBMIT TO A SEARCH BEFORE ENTRY INTO THIS BUILDING

1. REMOVE ALL PERSONAL EFFECTS, THIS INCLUDES: CIGARETTES, LIGHTERS, PENS, PENCILS, MONEY, WALLETS, ETC.

2. PLACE ITEMS IN THE TRAY TO THE LEFT OF THE ARCHWAY.

3. STEP THROUGH ARCHWAY

---DO NOT---
STOP IN IT

The plaintiff and Mr. Dering "decided to ignore and bypass said searching procedure and proceeded on our way to Court Room 201 . . . and walked by all the people lined up waiting to be searched" (Plaintiff's Brief, p. 5) and boarded the lobby escalator. The plaintiff was pursued by sheriff's deputies who requested him to submit to the metal-detection device. The plaintiff refused and resisted and was arrested.

On February 11, 1980, the presiding judge of the Sixth Municipal District entered Executive Order No. 1-80, which provided in part:

> The Court taking judicial notice of the existence of terrorists in our society and of their intent to gain attention to their causes by violently attacking, with explosives and other deadly weapons, governmental buildings without regard for the safety of persons working or having business in said buildings, and the courts and persons attending court being further subject to attempts at violent intimidation by some persons charged with criminal offenses,
>
> THEREFORE, IT IS ORDERED that the Sheriff of Cook County by a sufficient number of deputy sheriffs are hereby authorized to search at their discretion all persons entering this building, the Courthouse for the Circuit Court of Cook County, Sixth Municipal District, located at 16501 South Kedzie Parkway, Markham, Illinois, and to search all parcels, packages, brief cases and any other items brought in to this building by any and all persons who fail to show either (a) an authorized identification card indicating that they are employees of an agency located in this building or (b) an Attorney Registration and Disciplinary Commission identification card of the Supreme Court of Illinois.

The order concluded with the following statement:

> The Court, having given tacit approval of said searches by the Sheriff of Cook County from and after June 15, 1979, hereby enters this Order nunc pro tunc June 15, 1979.

On April 18, 1980, the plaintiff filed his pro se complaint in two counts, alleging violation of his civil rights contrary to the Fourth, Fifth and Fourteenth Amendments. Count one

alleged the facts surrounding the plaintiff's arrest and the second count alleged the "ex post facto" order of the Sixth Municipal District's presiding judge. The plaintiff named 42 defendants, including two sheriff's deputies, their supervisor, a city of Markham police sergeant, 19 judges of the Circuit Court of Cook County, and their 19 wives. The wives were included because "each and all of them had within her power the capacity to prevent their alleged spouses from injuring the Plaintiff and denying his rights."

Approximately a month after filing his complaint the plaintiff filed with the court a document entitled "Notice and Demand - Claim of Common Law Writ of Attachment." Bearing the caption of the federal district court proceeding and being in formalized style (notarized, etc.), the document was apparently mailed to 19 banks and other institutions and corporations with which the defendant-judges and their wives transacted business. Some of those receiving it placed stop-orders on judges' bank accounts and other transactions. This unauthorized notice states that the plaintiff claims from each judge $6 million, that "demand is made upon you under penalty of Title 42 U.S.C. § 1986 to immediately attach" the judge's assets, and that "this lien/Writ of Attachment is not dischargable for 100 years." One of the judges whose bank accounts were frozen as a result of this "demand" was Judge Jemilo, in whose court the plaintiff had been scheduled to appear as a witness on the day that the plaintiff chose to breach courthouse security.

Some of the defendants made an emergency motion to quash the so-called common law writs of attachment issued by the plaintiff. On June 11, 1980, while the plaintiff was in court for the hearing of that motion, the court granted the motion and then granted the defendants' oral motion to dismiss. The cause was dismissed for failure to state a claim. The plaintiff has appealed.

II

The plaintiff's claim is based on his arrest for resistance to the courthouse metal-detector search. His resistance was justified only if the search was not justified.

Courthouse and airport metal-detector searches, when instituted to protect against terroristic activities, have been held to be reasonable and not requiring a warrant under the Fourth Amendment. Downing v. Kunzig, 454 F.2d 1230 (6th Cir. 1972) (courthouse search); In re Trials of Pending and Future Criminal Cases, 306 F.Supp. 333 (N.D.Ill. 1969) (need for courthouse security); United States v. Albarado, 495 F.2d 799 (2d Cir. 1974) (airport search cases listed in footnote 1, p. 801).

Such searches are valid and constitutional inasmuch as they recognize the right of any person to avoid the search and

consequent invasion of personal privacy by electing not to enter the courthouse or by electing not to board the aircraft. United States v. Davis, 482 F.2d 893, 910-12 (9th Cir. 1973). In order to take advantage of the option not to enter or board, one must have knowledge or notice that he is subject to search should he elect to enter the courthouse or board the aircraft. United States v. Albarado, supra at 806. Signs posted at a place where they can be read by the public prior to the search are adequate. United States v. DeAngelo, 584 F.2d 46 (4th Cir. 1978), cert. denied, 440 U.S. 935 (1979); United States v. Freeland, 562 F.2d 383 (6th Cir.), cert. denied, 434 U.S. 957 (1977); United States v. Edwards, 498 F.2d 496, 499 (2d Cir. 1974).

The sign here was plain and clear. It warned that "you must submit to a search before entry into this building." At that point, if the plaintiff objected to being searched, he could have withdrawn from the building. Instead, he decided to "ignore and bypass" the search, not by leaving the building but by deliberately circumventing the sheriff's deputies conducting the search. Inasmuch as the plaintiff was forwarned of the search by the sign, the search was reasonable and valid. Any attempt to physically evade the search was therefore not justified. On the other hand, the effort by the sheriff's deputies to enforce the search was justified. The plaintiff's physical resistance required some physical response and eventual arrest.

Plaintiff included in his complaint assertions that after his arrest he was pushed against the wall and his arm twisted. Although the use of unnecessary force could create section 1983 liability, we do not understand from plaintiff's brief and oral argument that he is pressing such a claim, independently of his claim that the search and arrest were unlawful.

The search procedure involved here was not random or arbitrary. It excluded employees working in the Courthouse who could produce an authorized identification card and attorneys who could produce an Attorney Registration and Disciplinary Commission identification card. The plaintiff conceded in his brief that he had walked by and around "all the people lined up waiting to be searched." (Brief, p. 5). Even the excepted persons were required to produce identification. Therefore, no stigma attached to submitting to the search. See, Wheaton v. Hagan, 435 F.Supp. 1134, 1146 (M.D.N.C. 1977) (random searches at rock concerts).

Although it would have been preferable for the court to have issued the written order at the commencement of the search procedure, there was no constitutional necessity for it. Terrorism in courthouses and on aircraft has become prevalent enough so that the average citizen can not profess surprise at being presented with the option to consent to a search or to withdraw and preserve his privacy whenever he enters a courthouse or an airport.

The judgment appealed from is affirmed.

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

April 1 , 19 81

Before

Hon. THOMAS E. FAIRCHILD, Chief Judge

Hon. ROBERT A. SPRECHER, Circuit Judge

Hon. RICHARD D. CUDAHY, Circuit Judge

WILLIAM J. CRANE,
Plaintiff-Appellant,

No. 80-1981 vs.

B. ROSS, et als,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 80 C 1892
J. Sam Perry, Judge.

O R D E R

On consideration of the petition for rehearing filed in the above-entitled cause by plaintiff-appellant, all of the judges on the original panel having voted t deny the same,

IT IS HEREBY ORDERED that the aforesaid petition for rehearing be, and the same is hereby, DENIED.

IN THE

UNITED STATES COURT OF APPEALS

FOR THE 7TH CIRCUIT

USCA - 7th Circuit
Received in Clerk's Office
CLERK

WILLIAM J. CRANE Plaintiff-Appellant	)	
v.	)	NO. 80-1981
B. ROSS, et. al. Defendant-Appellees	)	

NOTICE OF APPEAL TO THE SUPREME COURT
OF THE UNITED STATES

Notice is hereby given that William J. Crane, the above named Appellant, hereby appeals to the Supreme Court of the United States from the final order denying a rehearing entered in this action on April 1, 1981.

This appeal is taken pursuant to Title 28, United States Code, Section 1254.

Date: June 30, 1981

William J. Crane

William J. Crane
Plaintiff-Appellant Pro-Se
15426 South Park Avenue
South Holland, Ill. 60473
(312)333-3700

Motion to Dismiss or Affirm

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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1981

NO. 81-5422

WILLIAM J. CRANE,

Plaintiff-Petitioner,

v.

B. ROSS, et al.,

Defendant-Respondents

On Petition for a Writ of Certiorari
to the United States Court of
Appeals for the Seventh Circuit

MOTION TO DISMISS
~~MEMORANDUM OPPOSING~~
CERTIORARI

Plaintiff William J. Crane initiated this civil rights action pro se following his arrest for physically attempting to evade a generally-applied courthouse search at the building occupied by the Circuit Court of Cook County, Sixth District, in Markham, Illinois. On February 25, 1981, the United States Court of Appeals for the Seventh Circuit affirmed the judgment of the district court dismissing the plaintiff's claim; a petition for rehearing was denied by the Court of Appeals on April 1, 1981. Thereafter, plaintiff filed papers ("Jurisdictional Statement of Appellant") which are in substance a petition for a writ of certiorari on August 31, 1981, more than ninety days since the entry of the judgment below. No order extending the time within which to file the petition has been obtained; the application for a writ of certiorari is therefore untimely and should be denied. 28 U.S.C. §2101(C); Rule 20 of this Court.

The facts of the case are set out at length in the unpublished order and opinion of the Seventh Circuit Court of Appeals, at pages 1-3, annexed to the "Jurisdictional Statement of Appellant" filed by the plaintiff. Essentially, plaintiff deliberately refused and physically resisted a metal-detector search at the

Markham, Illinois, courthouse despite having read a sign clearly stating that the search was a pre-condition of entry into the building. Included as defendants with the arresting officers were nineteen state court judges who happened to be in the building at the time, and their wives. All of plaintiff's claims regarding the constitutionality of the search procedure and the subsequent arrest were fully considered by the court of appeals. No reason is presently advanced by plaintiff which would justify disturbing that Court's resolution of the case. Accordingly, the application for a writ of certiorari should be denied.

Respectfully submitted,

HENRY A. HAUSER
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Chicago, Illinois 60602
(312) 443-5460

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Counsel for Defendant-Respondents.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1981

NO. 81-5422

WILLIAM J. CRANE,

Plaintiff-Petitioner,

v.

B. ROSS, et al.,

Defendant-Respondents

On Petition for a Writ of Certiorari
to the United States Court of
Appeals for the Seventh Circuit

NOTICE OF FILING and PROOF OF SERVICE

TO: Clerk of the Supreme Court
of the United States
Supreme Court Building
Washington, D. C. 20543

William J. Crane
15426 South Park Avenue
South Holland, Illinois 60473

Ralph Miller, Esq.
Brydges, Riseborough, Morris,
Franke & Miller
33 North Dearborn Street
Chicago, Illinois 60602

PLEASE TAKE NOTICE that on the _____ day of _____, 1981, I caused to be filed by mail with the Clerk of the Supreme Court of the United States, the attached appearance and memorandum opposing certiorari.

RICHARD M. DALEY
State's Attorney of Cook County

By: _____
Henry A. Hauser
Assistant State's Attorney
Deputy Chief, Civil Actions Bureau
500 Richard J. Daley Center
Chicago, Illinois 60602
(312) 443-5460

CERTIFICATE OF SERVICE

I, HENRY A. HAUSER, Assistant State's Attorney, hereby certify that I mailed copies of the aforementioned to the persons hereinabove specified by placing them in the U.S. Mail at 500 Richard J. Daley Center, Chicago, Illinois 60602, postage prepaid, on _____, 1981.

_____